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DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE: EVIDENTIARY HEARING FOR HAZARDOUS WASTE
PERMIT APPLICATION

AI NO: 32096

PERMIT NO: LAD 981 055 791

The Hearing Concerning
CLEAN HARBORS COLFAX, LLC, OPEN BURNING/OPEN
DETONATION FACILITY

held, at the Galvez Building, Natchez Conference
Room, 602 North Fifth Street, Baton Rouge,
Louisiana, beginning at 10:00 a.m., on March 22,
2007.

BEFORE: Megan B. Welch
Certified Court Reporter
In and For the State of
Louisiana

A P P E A R A N C E S

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HEARING OFFICER:

Clifton O. Bingham, Jr., Esq.

MR. BINGHAM:

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1 It'S 10:02, we'll start this meeting.
2 This is a 709 Hearing, In Re: Clean Harbors
3 Colfax, LLC; Agency Interest No. 32096, EPA ID

4 No. 981 055 791. This is an evidentiary hearing
5 being conducted on this 22nd day of March, 2007
6 at the Galvez Building, Natchez Room, C609 on
7 North 5th Street in Baton Rouge, Louisiana.
8 Pursuant to Louisiana Administrative Code Title
9 33:V.709 and pursuant to public notice. Will
10 the representative for the State make his
11 appearance, please?

12 MR. BEARD:

13 Good morning, I'm Steven Beard and I'm
14 hear on behalf of the Department of
15 Environmental Quality.

16 MR. BINGHAM:

17 And the representative for Clean
18 Harbors?

19 MR. CRISBERRY:

20 Good morning, my name is Michael
21 CRISBERRY, here representing Clean Harbors.

22 MR. BINGHAM:

23 For the record, my name is Clifton O.
24 Bingham, Jr. I'm an attorney practicing law in
25 the Law Firm of Oats and Hudson. We have law

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1 offices in Lafayette, Baton Rouge, and New
2 Orleans. I've been practicing in the Baton
3 Rouge area for 33 years. Prior to joining Oats
4 and Hudson, I was with the Louisiana Department
5 of Justice, Assistant Attorney General. Prior
6 to that I was in private practice here in Baton

7 Rouge.
8 We've been engaged by the Department of
9 Environmental Quality to conduct this
10 evidentiary hearing in conjunction with Clean
11 Harbors application for renewal of their
12 existing hazardous waste permit. Are there any
13 interested persons in the audience? (Pause) Are
14 there any interveners in the audience? (Pause).
15 Let the record reflect that I had no responses
16 to either of those questions. There is a sign-
17 out sheet. Has everybody in attendance signed
18 the sign-out sheet? (Pause).
19 Clean Harbors is an existing facility that
20 stores and permanently treats wastes exuding
21 specific characteristics of radioactive
22 reactivity and also treats explosive waste.
23 This facility has been in operation since 1985.
24 The purpose of this evidentiary hearing is to
25 allow the applicant and the Department and any

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1 interested person to present evidence or
2 testimony in conjunction with that permit
3 application. My authority will terminate once
4 the evidence is completed and a record thereof
5 has been submitted to the Department of
6 Environmental Quality. Does anyone have a
7 different understanding of my role as presiding
8 officer?
9 MR. CRISBERRY:

degma22.txt
10 Sir, could I just correct the record?
11 MR. BINGHAM:
12 Sure.
13 MR. CRISBERRY:
14 The facility does not accept nor
15 process any radioactive material.
16 MR. BINGHAM:
17 That was a misstatement on my part.
18 Is Clean Harbors ready to proceed?
19 MR. CRISBERRY:
20 Yes, sir.
21 MR. BINGHAM:
22 Is the Department ready:
23 MR. BEARD:
24 Yes, sir.
25 MR. BINGHAM:

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1 For the record, is Clean Harbors aware
2 of intervening or interested party that has any
3 interest in this application?
4 MR. CRISBERRY:
5 No, sir.
6 MR. BINGHAM:
7 Is the Department aware of any
8 intervening or interested party?
9 MR. BEARD:
10 No.
11 MR. BINGHAM:
12 Are both parties satisfied that all

13 degma22.txt
13 necessary public notices have been properly
14 published?
15 MR. BEARD:
16 Yes, sir.
17 MR. CRISBERRY:
18 Yes, sir.
19 MR. BINGHAM:
20 I was provided with a symphony of
21 exhibits by DEQ this morning. I didn't see if
22 the (inaudible) contained copies of the
23 transcript from the pre-hearing conference.
24 It's my understanding I will attach that later;
25 is that correct?

7

1 MR. BEARD:
2 I believe we just got those today. We
3 will attach them.
4 MR. BINGHAM:
5 Okay, gentlemen, would DEQ like to
6 make an opening statement or Clean Harbors make
7 an opening statement?
8 MR. CRISBERRY:
9 I don't (inaudible).
10 MR. BEARD:
11 I believe at this point since there
12 are no interveners and their application, Clean
13 Harbor's application isn't opposed by anyone at
14 this point, no statement is needed, we can just
15 proceed.

16

MR. BINGHAM:

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Proceed.

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MR. BEARD:

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Well, I guess that's it.

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MR. BINGHAM:

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If you would make your offering as to

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whatever exhibits you would like to place in the

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record.

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MR. BEARD:

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At this time, in addition to the

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exhibit we made at the pre-hearing we will offer

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the transcript of that hearing along with a CD

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of the transcript into the record. I believe

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that's it. We have the printed copy of

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everything and then the CD is just the exhibits.

6

We will go ahead and enter those today.

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MR. BINGHAM:

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Now, the CD is the exhibits from the

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pre-hearing. And enter also the exhibits on the

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web site, is that correct?

11

MR. BEARD:

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If they are not there, they will be.

13

MR. BINGHAM:

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And that also includes all of the

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certifications and publications; correct?

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MR. BEARD:

17

Yes, they will be.

18

MR. BINGHAM:

19 degma22.txt
 Anything further that either side
20 would like to present into the record?
21 MR. CRISENBERRY:
22 No, sir.
23 MR. BINGHAM:
24 Hearing none, I will adjourn this
25 evidentiary hearing at 10:10.

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2 (THE HEARING CONCLUDED AT 10:10 A.M.)
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R E P O R T E R ' S P A G E

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I, Megan B. Welch, Certified Court Reporter,
3 in and for the State of Louisiana, the officer,
4 as defined in Rule 28 of the Federal Rules of
5 Civil Procedure and/or Article 1434(b) of the
6 Louisiana code of Civil Procedure, before whom
7 this sworn testimony was taken, do hereby state
8 on the Record

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That due to the interaction in the
spontaneous discourse of this proceeding, dashes
(--) have been used to indicate pauses, changes
in thought, and/or talk overs; that same is the
proper method for a Court Reporters' s
transcription of proceeding, and that the dashes
(--) do not indicated that words or phrases have
been left out of this transcript;

That any words and/or names which could not
be verified through reference material have been
denoted with the phrase "(inaudible)."

Megan B. Welch, C. C. R.

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C E R T I F I C A T I O N

I, the undersigned reporter, do hereby
certify that the above and foregoing is a true
and correct transcription of the stenomask tape
of the proceedings had herein, taken down by me
and transcribed under my supervision, to the
best of my ability and understanding, at the
time and place hereinbefore noted, in the above
entitled cause.

I further certify that my license is
in good standing as a court reporter in and for
the state of Louisiana.

Megan B. Welch, C. C. R.
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